

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#

Commissioner for Patents  
Washington, D.C. 20231

In re PATENT APPLICATION of

Inventors: Klein et al.

Appln. No.: 09/885,816

Filed: June 19, 2001

Title: **Methods of Creating Constructs Useful for  
Introducing Sequences Into Embryonic Stem  
Cells**

Group Art Unit: **Unassigned**

Examiner: **Unassigned**

Docket/Order #: **MES-01-CON**

Deposit Acct **50-1271**

Customer # **26619**

Date: **January 22, 2002**

**(01/19/02 = Saturday;**

**01/21/02 Holiday)**

**RESPONSE**

Please file the enclosed RESPONSE in the above-identified application. The signature below is to be treated as the signature to the enclosure in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

1. Small Entity previously claimed	Claims remaining	Highest # paid for	Present Extra	Small Entity	Add'l Fee	Fee Code
2. Total Claims	minus	=	x \$9.	= +	203	
3. Independent Claims	minus	=	x 42.	= +	202	
4. If amendment enters multiple dependent claim(s) for the first.....	add+	\$140.	= +	204		
<b>5. Original due date: November 19, 2001</b>						
6. Petition is hereby made to extend the due date to cover the date this response is filed, for which the requisite fee is enclosed			1 mo \$55 2mos \$200 3mos \$460 =		215 216 217	
7. Enter any previous extension fee paid and		(subtract)-				
8.		Total fee for extension of time:	+\$200			
9. If Terminal Disclaimer is enclosed, add Rule 20(d) official fee.....	+ \$55.	= +	248			
10. If IDS enclosed requires Official Fee, ..... add+ \$240. or if Rule 97(d) Petition, ..... add+ \$130.	= + \$130.	= +	126 122			
11. After-Final Request Fee per Rules 129(a) and 17(r) .....	+ \$370.	= +	246			
12. No. of additional inventions for examination per Rule 129(b):..... ea	x \$370.	= +	249			
13. Petition fee for			+ \$200			
<b>TOTAL FEE: <input checked="" type="checkbox"/> CHARGE AUTHORIZATION    <input type="checkbox"/> ENCLOSED</b>						<b>\$200</b>

Charge Statement: The Commissioner is hereby authorized to charge any missing or insufficient fees relative to this application, or credit any overpayment, to our Account/Order Nos. above, for which purpose a duplicate copy of this sheet is enclosed.

**DELTAGEN, INC.**

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**MARIETTE A. LAPIZ, Reg. No. 44,202**

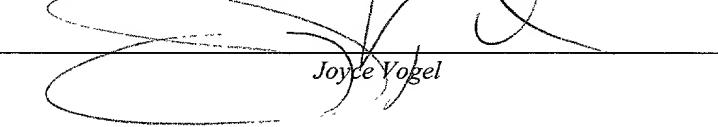
01/30/2002 MWOLDER1 00000165 09885816

Express Mail Label:  
Date of Deposit:

ET 668572541 US  
Date January 22, 2002

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I certify that this paper and listed enclosures are being deposited with the U.S. Post Office "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the above date, addressed to Commissioner for Patents, BOX PATENT APPLICATION, P.O. Box 2327, Arlington, Virginia 22202

  
**Joyce Vogel**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Response Application of: Klein *et al.*

Group Art Unit: Unassigned

Serial No.: 09/885,816

Examiner: Unassigned

Filed: June 19, 2001

Attorney Docket: MES-01-CON

For: METHODS OF CREATING CONSTRUCTS USEFUL FOR INTRODUCING  
SEQUENCES INTO EMBRYONIC STEM CELLS

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Arlington, VA 22202

Sir:

In response to the Notice dated September 19, 2001 in the above-referenced application, Applicant respectfully requests entry of the following.

**In the Specification**

Attached is a substitute specification containing replacement pages 1 through 36 of the application filed June 19, 2001. Applicants respectfully submit that the substitute specification is in compliance with 37 CFR 1.52, and contains no new matter.

**In the Drawings**

Attached are 11 sheets of drawings, Figures 1 through 8, which replace the 10 sheets of drawings filed on June 19, 2001 in the subject application. Applicants respectfully submit that the substitute drawings are in compliance with 37 CFR 1.84(e) and contain no new matter.

**Remarks**

Applicants submit that the subject application papers have been appropriately corrected and are in compliance with the rules. Therefore, Applicants respectfully request that the application continue to be examined on the merits.

Respectfully submitted,



Mariette A. Lapiz  
Reg. No. 44,202  
(650)752-0294

Date: 01/22/02

DELTAGEN, INC.  
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SEP 28 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,816	06/19/2001	Robert D. Klein	MES-01-CON

O I P E

JAN 22 2002

SCA 4

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SEP 19 2001

BY: *Jaw*

DUE: 11/19/01

FNL: 03/19/02

**CONFIRMATION NO. 4963****FORMALITIES LETTER**

\*OC000000006579595\*

Date Mailed: 09/19/2001

**NOTICE TO FILE CORRECTED APPLICATION PAPERS*****Filing Date Granted***

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - The specification cannot be scanned or properly stored. Page(s)
    - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages **Specification page 1 - page 36** are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because: Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*
- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

*Jr. et al.*  
*Customer Service Center*  
*Initial Patent Examination Division (703) 308-1202*  
*PART 2 - COPY TO BE RETURNED WITH RESPONSE*